

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 15, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Jeff McKean, Cindy Tooman, Jim Purucker, Nicole Upano and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the December 1, 2009 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the December 15, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred seventy (370) renewals approved, sixty-seven (67) new and/or transfer permits approved, four (4) permits approved for catering, three (3) permits approved for first year escrow, five (5) permit approved for second year escrow, two (2) permits approved for third year escrow, two (2) permits approved for fourth year escrow, and two (2) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC45-21113 TRI CITY VFW POST 1919 – Commissioner Guthrie noted this is a type 211-4 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board noted there has been numerous violations at this establishment.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-01407 IONIAN, INC., D/B/A MCTAVERNS DELI & LOUNGE – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board is concerned about the character and reputation of the permittee and the crimes and gang activity that has occurred on the premise.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR50-20074 JOETTE J. SURRISI, D/B/A CITY TAVERN – Commissioner Guthrie noted this is a type 210-1 renewal application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated this permittee had been operating on an expired/escrow permit for approximately one year.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL29-25560 PIZZOLOGY, LLC – Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL29-26331 SADLER & SADLER, LLC, D/B/A WINE THYME – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board feels this business is more of a wine store with specialty food, than a specialty food store with wine.

Commissioner Guthrie moved to uphold the local board’s recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR18-02340 JACKIE MARSHALL, INC., D/B/A VILLAGE INN – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board’s recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

RR45-02708 AND RR45-91241 J. T., INC. - Commissioner Guthrie noted these permits were deactivated on 10-6-09. The permittee is requesting these permits be reactivated. Renewals have been filed and the taxes are clear.

Commissioner Guthrie moved to reactivate these permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES – Vice Chairman Johnson moved to make three (3) permits inactive. Two (2) permits are not subject to auction and one (1) permit is subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER